

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
MISSOULA DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CHRISTOPHER JAN NICODEMUS,

Defendant.

CR 24–20–M–DLC

ORDER

Before the Court is United States Magistrate Judge Kathleen L. DeSoto’s Findings & Recommendation Concerning Plea. (Doc. 71.) Because neither party objected, they are not entitled to *de novo* review. 28 U.S.C. § 636(b)(1); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). Therefore, the Court reviews the Findings and Recommendation for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000).

Nicodemus is charged with one count of conspiracy to commit wire fraud, in violation of 18 U.S.C. § 1349 (Count 1), five counts of wire fraud, in violation of 18 U.S.C. § 1343 (Counts 2–6), one count of bank fraud, in violation of 18 U.S.C. §§ 1344 and 2 (Count 7), six counts of aggravated identity theft, in violation of §§

18 U.S.C. §§ 1028(A)(a)(1) and 2 (Counts 8–13), one count of interstate transportation of stolen property, in violation of 18 U.S.C. §§ 2314 and 2 (Count 14), one count of possession with intent to distribute methamphetamine, in violation of 21 U.S.C. §§ 841(a)(1) and 2 (Count 15), as set forth in the Indictment. (Doc. 1.)

Judge DeSoto recommends that this Court accept Nicodemus's guilty plea as to Count 7, Count 14, and Count 15 after Nicodemus appeared before her pursuant to Federal Rule of Criminal Procedure 11. The Court finds no clear error in Judge DeSoto's Findings and Recommendation and adopts them in full, including the recommendation to defer acceptance of the Plea Agreement until sentencing when the Court will have reviewed the Plea Agreement and Presentence Investigation Report.

Accordingly, IT IS ORDERED that Judge DeSoto's Findings and Recommendation (Doc. 71) is ADOPTED in full.

IT IS FURTHER ORDERED that Nicodemus's motion to change plea (Doc. 62) is GRANTED.

IT IS FURTHER ORDERED that Nicodemus is adjudged guilty as charged in Counts 7, 14, and 15 of the Indictment.

DATED this 11th day of September, 2024.

A handwritten signature in blue ink, reading "Dana L. Christensen". The signature is written in a cursive style with a large initial "D".

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Dana L. Christensen, District Judge  
United States District Court